



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Proposed Changes to Municipal Code Chapter 2.04 and  
Related Resolution Regarding Council Procedures

MEETING DATE: February 17, 1993

PREPARED BY: City Attorney

---

RECOMMENDED ACTION: Council consideration and possible introduction of  
attached Ordinance and Resolution.

BACKGROUND: At the shirtsleeve session of February 2, 1993, the  
Council discussed a proposed Ordinance and Resolution  
intended to update and streamline City  
Council meeting procedures. Among the more  
significant changes were:

1. Deletion of Robert's Rules of Order as the guideline for meetings,  
and substitution of a Resolution abbreviating the procedural rules;
2. Clarification of parties responsible for preparation and distribution  
of the Agenda;
3. Spelling out how and by whom matters are placed on the Council Agenda  
and provide a place on every Agenda for Task Force reports;
4. Limit introduction of new business at City Council meetings after  
11:00 p.m.;
5. Protect the confidentiality of information received by staff or  
Council during closed sessions; and
6. Clarify miscellaneous rules of decorum and authority of the  
chairperson.

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

CCMTGCC/TXTA.01V

CC-1

Following Council discussion at the shirtsleeve session, a number of changes or additions were suggested which have now been incorporated into the attached Resolution and Ordinance. These points include:

- Application of the new procedural rules to all City Boards and Commissions;
- Change starting times for Council meetings to 7:00 p.m.;
- Clarify the number of votes needed for actions which would require "two-thirds vote" of the Council when varying numbers of members are present;
- Clarify that violation of decorum or disturbance rules is an infraction under Lodi Municipal Code Chapter 1.08;
- Allow reading of entire minutes only by majority vote of the Council;
- Require that the Chair admonish or warn a member before a vote is taken to eject;
- Specify the sequence for the reading, comments on, and adoption of the Consent Calendar.


One of the main points of discussion regarding the Ordinance focused on placing matters on the Agenda. The attached Ordinance contains the original proposal, i.e., that items can be placed on the Agenda by the Mayor, two Council members, the City Manager, City Clerk, or City Attorney. In addition, two other options have been included (A and B hereto) for Council consideration. The first would require any new matter a Council member desires to place on the Agenda be moved and voted on at the time Council members' comments are discussed on non-agenda items [Section 2.04.100(F)].

The second option (B) allows any single Council member to place any item on the Agenda, but unless there is a second or the concurrence of the Chair, provides that no staff time be spent preparing a report. If the Council then wants to act further on the matter after it is debated, it would be continued to another date and the staff report prepared.

Council consideration and direction is requested.

FUNDING: None.

Respectfully submitted,

  
Bob McNatt  
City Attorney

BM/vc

attachments

CCMTGCC/TXTA.01V

OPTION A

Section

2.04.100(F) Comments by city council members on non-agenda items

- 1) Requests by city council members to place new matters on a future agenda must be seconded and voted upon.

Under this option, it would also be necessary to modify proposed Section 2.04.180(B)(3) to read:

3. A Council member, under the provisions of Section 2.04.100(F)(1).

OPTION B

Proposed Section 2.04.180 would read:

2.04.180        PREPARATION OF AGENDAS.

A.    Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54940 et seq.), the agenda for Council meetings shall be prepared by the City Manager, and distributed by the City Clerk.

B.    Matters may be placed on the agenda for consideration by the City Council at the request of:

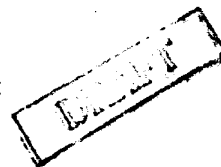
1.    The Mayor or Chair in the Mayor's absence.
2.    Any member of the Council.
3.    The City Manager.
4.    The City Clerk.
5.    The City Attorney.

C.    Any item placed on the agenda by a single Council member without a second or concurrence of the Chair shall have no staff report prepared in advance other than a general statement of the topic. After the subject is debated in open session, the Council can do only one of the following:

1.    Table the item.
2.    Refer back to staff for preparation of a report and return the matter to the Council at a future specified date for action.

ORDINANCE NO. 1566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
REPEALING AND REENACTING IN ITS ENTIRETY  
CHAPTER 2.04 - CITY COUNCIL MEETINGS



-----  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 2.04 - City Council Meetings -  
is hereby repealed and reenacted in its entirety to read as follows:

Chapter 2.04

CITY COUNCIL MEETINGS

Sections:

- 2.04.010 REGULAR MEETINGS--DAY AND TIME.
- 2.04.020 INFORMAL INFORMATIONAL MEETINGS.
- 2.04.030 MEETING PLACE.
- 2.04.040 MEETINGS TO BE PUBLIC.
- 2.04.050 SPECIAL MEETINGS.
- 2.04.060 QUORUM.
- 2.04.070 PRESIDING OFFICER--MAYOR--MAYOR PRO TEMPORE.
- 2.04.080 CALL TO ORDER--TEMPORARY CHAIRMAN.
- 2.04.090 ROLL CALL.
- 2.04.100 ORDER OF BUSINESS--ASSEMBLY OF OFFICERS.
- 2.04.110 READING AND APPROVAL OF MINUTES.
- 2.04.120 RULES OF DEBATE.
- 2.04.130 ADDRESSING THE COUNCIL.
- 2.04.140 VOTING.
- 2.04.150 DECORUM.
- 2.04.160 PERSONS ALLOWED WITHIN RAIL.
- 2.04.170 ENTRY OF DISSENT IN MINUTES.
- 2.04.180 PREPARATION OF AGENDAS.
- 2.04.190 CLOSED SESSIONS--CONFIDENTIALITY.

2.04.010 REGULAR MEETINGS--DAY AND TIME.

Regular meetings of the City Council shall be held on the first and third Wednesday of each month at seven p.m. In case the meeting day falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m. In case the regular meeting falls on Christmas Eve or New Year's Eve, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m.

2.04.020 INFORMAL INFORMATIONAL MEETINGS.

Informal informational meetings of the City Council shall be held on each Tuesday morning of each month at the hour of seven a.m. in the Council Chambers of the City or at such location and at such time as the Council may deem appropriate, subject to notice requirements as provided by law. No formal action shall be taken by the City Council at such meetings. The City Manager, City Attorney, Department Heads and members of the public, as the Council may request, shall be present and present such information as may be deemed desirable.

2.04.030 MEETING PLACE.

All regular meetings of the Council shall be held in the Council Chambers, Carnegie Forum building, Lodi, California, or at such other place as the Council may deem appropriate, subject to notice requirements as provided by law. If by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the place so designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor.

2.04.040 MEETINGS TO BE PUBLIC.

All meetings of the Council shall be open to the public.

2.04.050 SPECIAL MEETINGS

At any time the Mayor or three City Council members may call a special meeting by delivering written notice to each member and to each local newspaper of general circulation, radio or television station requesting notice in writing, such notice to be delivered personally or by mail at least twenty-four hours before the time of such meeting. Written notice may be dispensed with if a representative of the newspaper, radio or television station is present at the meeting and if all Council members give their written consent to the meeting and the consent is filed in the City Clerk's office when the meeting is held. A Council member may give such consent by telegram.

2.04.060 QUORUM.

A majority of all members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. Unless otherwise required by law, a simple majority of the members present may take action or adopt ordinances or resolutions.

2.04.070 PRESIDING OFFICER--MAYOR--MAYOR PRO TEMPORE.

The presiding officer of the Council shall be the Mayor who shall be elected by the Council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the Mayor shall be elected at the first regular meeting in November. At the time of the election of the Mayor, one of the members of the Council shall be chosen as Mayor Pro Tempore. If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. The Mayor shall preserve strict order and decorum at all regular and special meetings of the

Council. He shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tempore shall sign ordinances as then adopted.

2.04.080 CALL TO ORDER--TEMPORARY CHAIRMAN.

The Mayor, or in his/her absence the Mayor Pro Tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Mayor Pro Tempore, the City Clerk, or the acting City Clerk shall call the Council to order whereupon a temporary chairperson shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor Pro Tempore, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

2.04.090 ROLL CALL.

Before proceeding with the business of the Council at regular, special, or informational sessions, the City Clerk or the acting City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

2.04.100 ORDER OF BUSINESS--ASSEMBLY OF OFFICERS.

At the hour set by this chapter or other ordinance on the day of each regular meeting, the members of the Council, the City Clerk, City Manager and City Attorney shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for



consideration and disposition in the following order, except that with the majority consent of the Council, matters may be taken out of order and that the order of business set forth in this section may be changed from time to time by the adoption of an ordinance by the City Council:

- A. Roll call;
- B. Invocation;
- C. Pledge of allegiance;
- D. Presentations:
  - 1. Awards;
  - 2. Proclamations;
- E. Consent calendar [Reading; comments by the public; council action];
- F. Comments by city council members on non-agenda items;
- G. Comments by the public on non-agenda items;
- H. Public hearings;
- I. Communications;
  - 1. Claims filed against the City of Lodi;
  - 2. Alcoholic Beverage Control License applications;
  - 3. Reports: Boards/Commissions/Task Forces/Committees;
  - 4. Appointments;
- J. Regular calendar;
- K. Ordinances;
- L. Closed session;
- M. Adjournment.

2.04.110      READING AND APPROVAL OF MINUTES.

Unless the reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member

with a copy thereof. Any Council member can correct an error in the minutes, subject to verification by the Clerk.

2.04.120 RULES OF DEBATE.

The Council shall, by resolution, adopt rules of conduct and debate applicable to all City Council meetings.

2.04.130 ADDRESSING THE COUNCIL.

A. Any interested person may, subject to the rules of procedure adopted hereunder, speak on any item coming before the Council. It shall not be required that persons wishing to speak give prior written notice, but priority shall be given to those who have so notified the City Clerk in advance.

B. After a motion is made and seconded, no person shall address the City Council without first securing permission of the Council to do so.

C. Remarks by the public shall be made only from the podium. Speakers shall first give their names and addresses for the record, and no one shall be permitted to enter into any discussion without permission of the presiding officer.

2.04.140 VOTING.

All members of the Council, when present, must vote. If a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote unless, however, the Council member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

2.04.150      DECORUM.

A.    Council Members.    While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise provided by this chapter. Any member who, after warning by the Chair, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the Council.

B.    Other Persons.    Any person making personal, impertinent or slanderous remarks or who becomes boisterous during the Council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the Council, unless permission to continue is granted by a majority vote of the Council.

C.    Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this Code.

2.04.160      PERSONS ALLOWED WITHIN RAIL.

No person, except City officials, their representatives and newsgathering or media personnel, shall be permitted within the rail in front of the Council Chamber during meetings, without the express consent of the Council.

2.04.170      ENTRY OF DISSENT IN MINUTES.

Any Council member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.

2.04.180 PREPARATION OF AGENDAS.

A. Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.), the agenda for Council meetings shall be prepared by the City Manager, and distributed by the City Clerk.

B. Matters may be placed on the agenda for consideration by the City Council by request of:

1. The Mayor or Chair in the Mayor's absence.
2. Two members of the City Council.
3. The City Manager.
4. The City Clerk.
5. The City Attorney.

2.04.190 CLOSED SESSIONS--CONFIDENTIALITY.

A. No officer, employee or agent of the City shall, without proper authorization, divulge confidential information received by such person as part of his or her official duties during any closed session of the City Council authorized under the Ralph M. Brown Act (Government Code Section 54950 et seq.) as it now exists or may later be modified.

B. Such confidential information may include but is not limited to matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of City business, constitute an unwarranted invasion of privacy, or place the City at an unfair disadvantage in negotiations.

C. For purposes of this Section, "proper authorization" shall mean:

- (1) In matters of personal privacy, a waiver by the individual enjoying such right of privacy;
- (2) The order or subpoena of a court of competent jurisdiction;
- (3) Authorization by the City Council as a body;
- (4) Conclusion or finalization of the matter or subject involved, as determined by the City Council.

D. Nothing in this ordinance shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this            day of

\_\_\_\_\_  
PHILLIP A. PENNINO  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1566 was introduced at a regular meeting of the City Council of the City of Lodi held February 17, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1993 by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -  
Abstain: Council Members -

I further certify that Ordinance No. 1566 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORD1566/TXTA.01V

A RESOLUTION OF THE LODI CITY COUNCIL  
ADOPTING AND ESTABLISHING RULES FOR THE CONDUCT  
OF ITS MEETINGS, PROCEEDINGS, AND BUSINESS



WHEREAS, the City Council of Lodi, pursuant to Chapter 2.04 of the Lodi Municipal Code is empowered and required to adopt by resolution, rules of conduct for City Council meetings; and

WHEREAS, it is desirable to make such procedural rules applicable to all other Boards and Commissions of the City;

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council as follows:

RULES OF CONDUCT AND DEBATE FOR THE CITY COUNCIL, BOARDS AND COMMISSIONS

A. Presiding Officer May Debate.

The Mayor or presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or Board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or Board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The Chair or any member of the Council or Board may bring any matter of business appearing on the agenda before the body by making a

motion. Before the matter can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the chair shall open the matter for debate, offering the first opportunity to debate to the moving party and thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, Council or Board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Chair or any Council or Board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded and



passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.
3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.
4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or Board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.
5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee or commission for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or Board's agenda. If no date is set for returning the item to the Council or Board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to

be immediately discussed by the Council or Board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.
7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order and Convenience.

The following actions by the Council or Board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or Board, by majority vote, sets aside the orders of the day.
2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.
4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.
5. Point of Order. Any member may require the chair to enforce the rules of the Council or Board by raising a point of order. The point of order shall be ruled upon by the chair.
6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or Board. The motion must be seconded to put it before the Council or Board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.
7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.
8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.
9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or Board may reconsider any

7

vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

10. Rescind, Repeal or Annul. The Council or Board may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, and shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or Board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or Board shall commence at the time specified in

the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or Board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.
3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the Chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Chair and upon being recognized by the Chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the Chair. The Chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the Chair, limiting the duration of presentations as set forth in these rules.

All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or Secretary of the Board as part of the record. No person shall be permitted during the hearing, to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Chair, to speak further on the question during this period of deliberation, although the members may ask questions of the speakers if so desired. At the conclusion of discussion, and appropriate motion having been made and seconded, the body shall vote on the matter.

I. New Business: Introduction.

During Council meetings, no new business on the agenda (except closed sessions) shall be considered after 11:00 p.m. without two-thirds vote of the Council. Any new business remaining on the agenda shall be carried over to the next regular Council meeting.

J. Quorum: Majority: Two-Thirds Vote: Determination.

As used in this resolution or in the application of Lodi Municipal Code Chapter 2.04, the following definitions shall apply:

1. "Quorum" shall mean a simple majority of the total number of all persons on such body.
2. "Majority" shall mean the majority of members actually present at a meeting.

3. "Two-thirds vote" shall mean two-thirds vote of the members actually present, rounded up or to the next number if less than a whole person. Two-thirds of 4 members shall be 3 members, two-thirds of 5 members shall be 4 members, etc.

Dated: February 17, 1993

=====

I hereby certify that Resolution No. 93- was passed and adopted by the Lodi City Council in a regular meeting held March 3, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Jennifer M. Perrin  
City Clerk

93-